

MINUTES

A regular meeting of the China Grove Town Council

**Tuesday, October 5th, 2010
7:00 p.m.**

**China Grove Town Hall
China Grove, North Carolina**

CALL TO ORDER

Mayor Bringle called the meeting of October 5, 2010 to order and welcomed all in attendance to join in the Pledge of Allegiance. Mayor Bringle called roll. All council members were present, there was a quorum. The meeting started at 7:00 pm at the Municipal Building.

Mr. Seaford made a motion to adopt the agenda for the regular meeting of the Town Council on October 5, 2010. Mr. Upright seconded the motion, which carried unanimously.

Mr. Seaford made a motion to adopt the September 14, 2010 regular meeting minutes with a correction to page 6 and on page 4. Mr. Withers seconded the motion, which carried unanimously.

CITIZEN COMMENTS

Mr. Leon Hubbard – Mt. Ulla, NC

Mr. Hubbard wished to speak about an item on the agenda.

Mayor Bringle stated that he would allow Mr. Hubbard to speak during that item.

Mayor Bringle recognized Marshall Bickett, candidate for judge and Mr. Fred Steen. Mayor Bringle thanked Mr. Steen for all he does for the community.

PUBLIC HEARING

I) Proposed Amendments to the Unified Development Ordinance

Ms. Emily Jackson reviewed the staff report provided to the Council within their agenda packets concerning Bona-Fide Farms. She stated that the changes would

strengthen the definition of a Bona-Fide Farm. She stated that the Planning Board recommended in favor of the proposed amendment by unanimous vote.

Mayor Bringle opened the Public Hearing for comments.

There were no comments.

Mayor Bringle closed the Public Hearing.

Mr. Withers made a motion that the amendment is consistent with adopted Town plans and policies. Mr. Seaford seconded the motion, which carried unanimously.

Mr. Upright made a motion to approve the proposed amendment to Section 1.3.2 Applicability Exemptions and Appendix A.3, Definitions of the Town of China Grove Unified Development Ordinance. Mr. Withers seconded the motion, which carried unanimously.

NEW BUSINESS

I) Minimum Housing Code Violation – Demolition Resolution

Mr. Upright asked Mr. Cline to update them on the top three issues.

Mr. Tony Cline and Mr. Brooke gave an update on outstanding code enforcement issues.

Mr. Withers asked about item #5. Mr. Pless stated that they have notified several owners of sign issues including this item.

Mayor Bringle stated that a gentleman of 311 Chapel Street presented an issue at last meeting and asked Mr. Pless how this item stands.

Mr. Pless stated that he has spoken with Mr. Allen along with Ms. Jackson. Ms. Jackson stated that he had come in prior to the meeting and discussed this item with her and then came in again after the meeting. She stated that this garage does not meet ordinance and they are in the process of settling this item.

Mr. Upright asked what the issue was.

Ms. Jackson stated that installing the building was not in conformity when it was installed. She stated that there is already an accessory building that exceeds the requirement.

Mr. Cline stated that he was told that he doesn't live at the premise and that he may try to move the building.

Mr. Cline stated that an ordinance is needed to demolish a vacant home and structure located at 150 Cherry Street. He stated that the floor in the bathroom has collapsed and the house is leaking and collecting water inside. He stated that he has been in touch with Mr. Hubbard and he is concerned that his current rental agreement may end and he may need to remodel this home. Mr. Cline reviewed the staff report provided in the council's agenda packets. He stated that he believes an ordinance to demolish would be appropriate. He stated that the estimated cost to demolish and remove trash is approximately \$4,500.

Mr. Pless stated that he spoke with Mr. Hubbard over a month ago and asked him to provide a time frame to repair the home and has not received further information from him.

Mr. Hubbard stated that he would like to fix the home and keep it. He stated that he has been trying to find out information. He stated that he would be able to do most of the work himself.

Mayor Bringle asked if he has any other real estate.

Mr. Hubbard stated that he does not. He stated that he does not have any information to provide to the council tonight.

Mayor Bringle asked Mr. Hubbard if he feels as if the Town has provided plenty of time and information concerning this item.

Mr. Hubbard stated that he didn't receive certified letters until May of this year. He stated that he didn't know what to do.

Mayor Bringle stated that he believed those questions should have been answered already in previous meetings.

Mr. Upright asked when the last time the home was occupied.

Mr. Hubbard stated that it was occupied in 1985.

Mr. Linn asked why the letters weren't received until May.

Mr. Cline stated that the notifications didn't formally start until May because of Mr. Hubbard's health. He stated that Mr. Hubbard knew prior.

Mr. Pless stated that it is the Council's decision. He stated that there has not been any movement or progress. He stated that no consideration has been given concerning the interior and he hasn't been motivated since 1985 to do any repairs. He stated that he doesn't believe that the home will be repaired due to the fact that no one lives there. He stated that they have waited and feels that the previous ninety days has been adequate.

Mr. Upright asked if neighbors were complaining.

Mr. Cline stated that there have been complaints. He stated that there has been interest in the real estate so the home owner has that option. He stated that the home needs 50% repairing.

Mr. Upright asked Mr. Hubbard if he has any idea of what it would take to get the house back in order.

Mr. Hubbard stated that he could do most of the work himself. He stated that he didn't know what to expect.

Mr. Withers stated that he would have hoped that Mr. Hubbard would have made some progress.

Mr. Cline stated that the communication began with the letter sent certified mail that notified him of the Public Hearing that he did not attend.

Mayor Bringle stated that verbal communication and documentation provided by the Town. He stated that he has spoken with Mr. Hubbard and concerned neighbors. He stated that the Town has had to pay for the yard to be mowed and he questioned his ability to be able to do what is necessary. He stated that the cost to repair will be close to the value of the home and questions. He stated that he had intentions to ask for a reasonable effort made and plan presented to the Council before the next meeting but then went through the trail of paperwork and saw the lack of communication on Mr. Hubbard's part. He stated that the home is unsafe. He recognized his effort at being present for tonight's meeting. He stated that he doesn't see how he would be able to perform the work with his health conditions considering the cost and work needed.

Mr. Cline stated that they could adopt the ordinance to become effective in thirty days.

Mr. Brooke stated that the ordinance reads that the property be vacated by November 5, 2010.

Mayor Bringle clarified for Mr. Hubbard that they were adopting the ordinance pending thirty days. He stated that thirty days is his window to show reasonable effort to repair the home at 150 Cherry Street. He stated that he will need to be in contact with Town Staff after the meeting and if the effort isn't reasonable to Mr. Cline, Mr. Pless and the Town Council then the ordinance stands.

Mr. Withers asked about current liens on the property.

Mr. Cline stated that there are probably four or five liens made on the property over the past few years. He stated that the Town would need to check with the County to

see what has been paid. He stated that the property was just mowed today after notice was sent.

Mayor Bringle stated that the Town should not have to send letters to notify property owners of their grass needing to be mowed.

Mr. Overcash stated that he would like to see permits and notices of hire.

Mr. Withers made a motion to adopt the ordinance to demolish the vacant dilapidated home and structure at 150 Cherry Street. Mr. Upright seconded the motion, which carried unanimously.

Mayor Bringle thanked Mr. Hubbard for being present. Mr. Hubbard returned thanks to the Council.

II) Park Advisory Board Request for Repairs – Hannah Park

Mr. Ketner stated that he has obtained quotes for repairs to the brick walkway at Hannah Park. He stated that the bids are for removal, haul-off, concrete, sealing and stamping.

Mayor Bringle stated that this would remove a lot of previous concerns such as grass growth and future repairs to broken brick.

Mr. Ketner stated that it would look very similar to brick in color, etc.

Mr. Withers made a motion to approve the lowest bid to Shelton Concrete, Inc. in the amount of \$2700.00 to replace the brick with stamped concrete. Mr. Linn seconded the motion, which carried unanimously.

III) Town Hall Gutter Replacement Bids

Mr. Pless stated that they have been looking at this item for quite a while. He stated that they need to make repairs to this building soon because it is well overdue. He stated that the prices have dropped considerably and believe now is a good time to do this project.

Mr. Ketner stated that he feels comfortable with using aluminum versus copper. He stated that this building has six inch gutter and seamless is needed. He stated that he has had trouble finding companies to quote for six inch gutters for a project this small. He stated that they received a bid last year from a company that is now out of business. He stated that the quote was much higher than this current quote from JS Construction. He stated that he received this company name with high recommendations from the company that is working on the Fire Department project. He stated that he had three companies to come out to check specs for the project and only received this quote back within the month.

Mr. Upright stated that he was concerned with the amount quoted for the soffit, fascia and freeze board wrap.

Mr. Withers made a motion to approve the lowest bid to JS Constructions for the replacement of gutters at Town Hall with aluminum in the amount of \$7341.00. Mr. Linn seconded the motion, which carried unanimously.

OTHER BUSINESS

Mr. Seaford asked where the staff is with metering of the sewer outfall meters.

Mr. Pless stated that was part of the budget process. He stated that the expense of that was eliminated for that item during the budget process. He stated that there was no money budgeted for Capital Outlay for any department. He stated that they do not have the funding at this point to take on this project at the time.

Mayor Bringle stated that he would like to monitor the I&I of the system. He stated that if there is money being lost and the placement of a meter can help remedy that loss, it would be a gain for the Town.

Mr. Pless stated that the Town staff is currently taking care of issues the best that they can in a cost effective manner.

Mr. Withers stated that the longer we wait, the more it will cost the Town.

Mr. Upright asked if there was any good news on the sidewalk project.

Mr. Pless provided the Council with an image to show the progress of the project. He stated that there are areas that still have issues and they have taken measures to motivate the company to finish these areas. He stated that Stokes Street is the last and longest stretch of sidewalk and they have started that section recently. He stated that the project is not going as well as they had hoped. He stated that the project end date was yesterday and staff can impose liquidated damages if their requested extensions are not approved.

Mayor Bringle asked Mr. Pless to provide this same information to the Council at next meeting.

Mr. Upright asked the status of the Fire/Administration building.

Mr. Pless stated that the project is moving forward accordingly.

Mr. Overcash stated that he has had people request that they extend the sidewalk on Church Street down to Mitchell Avenue.

Mayor Bringle stated that it can be looked at by using Powell Bill funds but not the current sidewalk project.

Mayor Bringle showed a copy of a “Welcome to China Grove” sign that has been approved and would like to see this item completed.

Mayor Bringle stated that there was an official Park Dedication for Mr. Don Webb. He stated that Village Grove Park on First Avenue and a granite engraved bench was dedicated in his memory. He thanked the Town staff for the appearance of the park and thanked those who attended.

Mayor Bringle stated that “Journey to Bethlehem” will be held again this year, December 10-12 from 6-9pm. He stated that they are asking for help to setup and participate in the drama.

CLOSED SESSION

Mr. Upright made a motion to go into Closed Session for personnel matters - Town Manager evaluations and Attorney-Client Matters. Mr. Withers seconded the motion, which carried unanimously.

Mr. Overcash made a motion to come out of Closed Session. Mr. Upright seconded the motion, which carried unanimously.

There was no action taken.

ADJOURN

Mr. Linn made a motion to adjourn. Mr. Seaford seconded the motion, which carried unanimously.

Respectfully Submitted,

Amanda A. Eller, Town Clerk

Donald E. Bringle, Mayor